

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Case No: 22-20558

v.

Hon. Judith E. Levy

Kevin Stange,

Defendant.

**ORDER GRANTING THE PARTIES JOINT MOTION
FOR A COMPETENCY EVALUATION [26] AND DENYING
DEFENDANT’S MOTION FOR A COMPETENCY EVALUATION
[18] AS MOOT**

Defendant Kevin Stange and the United States have jointly requested that the Court commit the defendant to the custody of the Attorney General for a psychiatric or psychological examination to determine whether he is competent to stand trial. The parties have also stipulated that the time period between the filing of their motion through the conclusion of the competency hearing qualifies as excludable delay under the Speedy Trial Act, 18 U.S.C. §§ 3167(h)(1) and (h)(7).

The Court hereby GRANTS the parties’ joint motion (ECF No. 26) and finds that “there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him

mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” 18 U.S.C. § 4241(a). Pursuant to 18 U.S.C. §§ 4241 and 4247, it is ORDERED that:

1. a psychiatrist or psychologist employed by the United States be appointed, authorized, and directed to examine the mental condition of Defendant, *see id.* §§ 4241(a), (b), and 4247(b);
2. Defendant be remanded and committed to the custody of the Attorney General for such psychiatric or psychological examination for a period not to exceed 30 days, *see id.* § 4247(b);
3. the Government, however, may apply for a reasonable extension not to exceed 15 days, *see id.*;
4. the Attorney General, through the Bureau of Prisons, will inform the Assistant U.S. Attorney once Defendant has been designated to a suitable facility, in order to arrange for Defendant’s transportation to and from such facility, and Defendant’s counsel will be notified by the Assistant U.S. Attorney of the designated facility;

5. the examining psychiatrist or psychologist prepare, as soon as practical, a written report that includes (1) Defendant's history and present symptoms; (2) a description of the psychiatric, psychological, and medical tests that were employed and their results; (3) the examiner's findings; and (4) the examiner's opinions as to diagnosis, prognosis, and whether Defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, *see id.* §§ 4241(b), 4247(c); and
6. the examiner promptly file the written report with this Court and provide copies of the report to defense counsel and the Assistant U.S. Attorney, *see* § 4247(c); and the examining psychiatrist or psychologist produce to defense counsel and the Assistant U.S. Attorney copies of all records and documents that were reviewed, created, or relied upon in forming the basis of the opinion regarding the Defendant's mental condition.

It is also ORDERED that the period beginning on the date of the filing of the joint motion and ending with the conclusion of the competency hearing, which will take place at a date and time set by the Court, be deemed excludable delay under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(1)(A), (h)(1)(F), and (h)(7), and that the period beginning the day after the conclusion of the competency hearing and ending with the Court's ruling on Defendant's mental competency or with the lapse of 30 days, whichever occurs first, be deemed excludable delay pursuant to 18 U.S.C. §§ 3161(h)(1)(H) and (h)(7).

It is further ORDERED that Defendant's motion for a competency evaluation (ECF No. 18) is DENIED as MOOT.

IT IS SO ORDERED.

Dated: December 6, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 6, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager